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## **Hertsmere Borough Council**

### **Community Governance Review 2022**

#### **Terms of Reference**

#### **A Review of the Parishes of Aldenham, Ridge, Shenley and South Mimms under the Local Government and Public Involvement in Health Act 2007**

##### **Background**

Hertsmere Borough Council has resolved to undertake a Community Governance Review (CGR) of the above named parishes within the Hertsmere District.

In undertaking the review the Council will be guided by Part 4 of Chapter 3 of the Local Government and Public Involvement in Health Act 2007 (referred to as 'the 2007 Act'), the relevant parts of the Local Government Act 1972, Guidance on CGR's issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010. Also the following Regulations which guide, in particular, consequential matters arising from the review: Local Government (Parishes and Parish Councils) (England) Regulations 2008 (SI2008/625); Local Government Finance (New Parishes) Regulations 2008 (SI2008/626).

Hertsmere Borough Council has a duty to keep parish arrangements under review and in the light of:-

- changes made by a full Borough Electoral Boundaries Review in 2018 which resulted in disalignment between the Borough and Parish Wards of Aldenham West;
- concerns about the connection that residents and electors in Polling District EA have with Aldenham Parish Council and the fairness of levying a local precept on Council Tax payers in that Polling District; and
- concerns about the effective functioning of Ridge Parish Council and the implications that its dissolution might have on the neighbouring parishes of Shenley and South Mimms;

It is considered timely to conduct a CGR in the parish areas of Aldenham, Ridge, Shenley and South Mimms to consider these issues and ensure that effective local governance arrangements that promote community cohesion are maintained or improved.

Section 81 of the 2007 Act requires the Council to publish its Terms of Reference for the Review which clearly set out the focus of the review. This document, when published, will fulfil this requirement.

The Council is required to have regard to guidance issued by the Government and the publication 'Guidance on Community Governance Reviews' issued by the Department of Communities and Local Government and the Local Government Boundary Commission for England in March 2010 has been used in drawing up the Terms of Reference and timetable for the review.

### **What is a Community Governance Review?**

A CGR is a legal process whereby Principal Authorities (Hertsmere Borough Council in this instance) can consider the following:

- creating, merging, altering or dissolution of parish councils;
- the naming of parishes and the style of any new parish councils,
- the electoral arrangements for parish councils, i.e. the ordinary year of election, council size (the number of parish councillors) and parish warding; and,
- grouping of parishes under a common parish council or de-grouping of parishes.

A CGR must reflect the identities and interests of communities and should take account the impact of community governance arrangements on community cohesion and the size, population and boundaries of a local community or parish.

### **Who will undertake the review?**

As the principal authority, Hertsmere Borough Council is responsible for undertaking CGRs within its area. The Council also extended the terms of reference of the Constitution and Member Development Panel (CMDP) to include electoral registration and boundaries matters to oversee the review process and to make final recommendations to the Council for approval following extensive consultation.

The primary contacts for the review are:

- Sajida Bijle, Managing Director and Electoral Registration and Returning Officer;
- Harvey Patterson, Head of Legal and Democratic Services;
- Sam Langford, Electoral Services Manager.

### **Consultation**

Before making any recommendation or publishing final proposals the Council will take full account of the views and suggestions of by local people and organisations and will comply with the statutory consultation requirements by:

- Consulting local government electors and other persons or bodies who appear to the Council to have an interest in the review;
- Taking into account any representations received in connection with the review;
- Notifying consultees of the outcome of the review; and,
- Publishing all decisions taken and the reasons for such decisions.

In particular, the Council will consult:

- Local government electors/residents in the Parishes of Aldenham, Ridge, Shenley and

South Mimms;

- The Parish Councils of Aldenham, Ridge, Shenley and South Mimms;
- Hertsmere Borough councillors;
- Hertfordshire County Council;
- The Member of Parliament for Hertsmere; and
- Hertfordshire Association of Local Councils

Information about each stage of the review will be published on the Council's website and available for inspection at The Civic Offices, Elstree Way, Borehamwood, Herts WD6 1WA. Press releases and other publicity will be issued where appropriate.

## Timeline and Key Stages

### Timetable as agreed by Council 17<sup>th</sup> November 2021

Report to CMDP proposing a CGR	25 October 2021
Report to Council to approving Terms of Reference	17 November 2021 (link)
Publication of Terms of Reference* (link)	Week beginning 22 November 2021
Review commences	1 January 2022
CMDP meets to agree Consultation (link)	11 <sup>th</sup> January 2022
Initial Consultation - Invite initial submissions*	From first meeting of CMDP to 1 April 2022
CMDP considers initial submissions and drafts recommendations	May 2022
Draft recommendations published	1 June 2022
Final round of public consultations	1 June 2022 to 31 August 2022
Final recommendations by CMDP	September 2022
Publish final recommendations	September 2022
Final recommendations reported to Council for decision	November 2022
Consequential Order made	November 2022 to February 2023
Elections to new Parish Councils (if any created)	4 May 2023

## **Electoral Forecasts**

When considering the electoral arrangements of the parishes in the area the Council must consider any likely future change in the number or distribution of electors within five years from the day the review commences.

The review will use the latest electorate figures available at a parish level together with the estimated delivery of new dwellings within the five year period taken from the Council's most recent Five Year Housing land Supply Statement.

## **Scope of the Review**

The Review includes all aspects of community governance arrangements of existing parishes, including:

- To consider the names of any existing parishes/parish councils
- To consider the boundaries of any existing parish and whether any existing parishes should be split or amalgamated to constitute any new parish or if any new parish councils should be created along with the number of parish councillors to be elected for any parish council, whether new or existing.
- To consider whether any new or existing parish council should be divided into wards (or continue to be divided into wards), including the number and boundaries of any such wards, the number of councillors to be elected for any such ward, and the name of any such ward.
- If considered desirable to effect any changes, whether or not any alterations should be made to the ordinary year of election for any new or existing parish/town council.
- To consider whether or not any recommendations should be made to the Local Government Boundary Commission for England for any subsequent alterations to the wards of the Hertsmere Borough Council.

## **Considerations**

Legislation requires that the Council must ensure that community governance within the area:

- reflects the identities and interests of the communities in the area,
- is effective and convenient and takes into account any other arrangements for the purpose of community representation or engagement in the area.

In considering proposals for change, the Council will take the following into account:

### Parish status (council or meeting)

Electorate – existing and forecast growth.

The review aims to ensure that parishes reflect community identity and interest and that they are viable administrative and democratic units.

Parishes with 150 or fewer local government electors cannot have a council and can only be a parish meeting (unless the parish already has a council). Between 151 and 999 local government electors the review can recommend that the parish should have a council (optional) and where the parish 1000 or more local government electors the review must recommend that the parish has a council.

### Parish boundaries

The Council will consider the effect of new and forecast development activity on existing parish boundaries. Parish boundaries should be easily identifiable and reflect the separation of settlements recognised locally as having their own identity. These boundaries should generally reflect the areas between communities with low populations or physical barriers such as rivers or man-made features such as railways or motorways.

### Council size (number of councillors)

The minimum number of parish councillors that a council can have is five. A quorum for a parish council is three or a third, whichever is the greater number.

National research guidance suggests the following levels of representation for parish councils:

Electorate	Councillor Allocation
Less than 500	5 – 8
501 – 2,500	6 - 12
2,501 – 10,000	9 - 16
10,001 – 20,000	13 - 27
Greater than 20,000	13 - 31

Government guidance is that each area should be considered on its own merits having regard to population, geography and the pattern of communities. The Council will pay particular attention to existing levels of representation and existing council sizes which have stood the test of time.

In considering requests to change the number of councillors on any individual parish council the Council will review the electoral history for the parish including the number of contested elections that have been held, the number of vacant seats following normal parish elections (every 4 years) and the history of co-options (i.e. has the council been able to fill vacancies).

### Parish Warding

The Council is required to consider the following points when deliberating whether a parish should be divided into wards for the purposes of elections:

- whether the number or distribution of the local government electors for the parish would make a single election of councillors impracticable or inconvenient,
- whether it is desirable that any area, or areas, of the parish should be separately represented on the council.

The Government's guidance is that warding of parishes may not be justified for largely rural areas based predominantly on a single centrally located village. Conversely, warding may be appropriate where a parish encompasses a number of villages with separate identities or where there has been urban overspill at the edge of a town into a parish.

In considering parish wards the Council will ensure that electoral equality is retained (the principle that each person's vote should be of equal weight so far as is possible). This will be achieved by keeping the councillor/elector ration similar across any warded areas.

### Parish names and alternative styles for parishes

The Council will endeavour to reflect existing or historic place names and will consider any ward names proposed any local interested parties. The Council will be mindful of Section 75 of the Local Government Act 1972 with regards to changing the name of a parish and subsequent notification and to Sections 87 and 88 of the 2007 Act and related guidance.

Alternative styles for parishes were introduced by the 2007 Act which could replace the 'parish' style – community, neighbourhood or village. Town status continues to be available to a parish (S247 of the Local Government Act 1972) but for as long as a parish has an alternative style it will not be able to have the status of a town and vice versa.

At the request of a parish the District Council as principal authority can change the name of a parish to reflect the style adopted.

If an existing parish is under review the Council will make recommendations as to whether the geographical name of the parish should change but it will be for the parish council or meeting to resolve whether the parish should have one of the alternative styles or retain the 'parish' style.

### Grouping of parishes

Under Section 91 of the 2007 Act a CGR can recommend the grouping or de-grouping of parishes. In some instances it may be appropriate to group parishes to allow a common parish council to be formed. De-grouping may also offer the reverse possibility where local communities have expanded.

Any grouping or de-grouping needs to be compatible with the retention of community interests and it would be inappropriate to use it to build artificially large units under single parish councils. However, it could offer a possibility for parishes with less than 150 electors to be grouped with other parishes under an elected parish council despite being unable to form a parish council in their own right.

### Ordinary year of election

As the District Council is elected every four years on an 'all out' basis it is proposed to keep the ordinary year of election for parish councils on the same date.

### **Reorganisation of Community Governance Orders and Commencement**

The review will be completed when the Council resolves to accept the final recommendations and authorises completion of the Reorganisation of Community Governance Order.

Copies of the Order, supporting maps and documents setting out the reasons for the decisions taken will be placed on deposit at Hertsmere Borough Council, Civic Offices, Elstree Way Borehamwood, Herts, WD6 1WA, on the Council's website and otherwise publicised in accordance with the requirements of the 2017 Act. All parishes will be notified of the outcomes of the review.

Copies of the Order will be sent to:

- the Secretary of State for Housing, Communities and Local Government
- the Local Government Boundary Commission for England
- the Office of National Statistics
- the Director General of the Ordnance Survey
- Hertford County Council
- the Audit Commission
- Association of Local Councils for Hertfordshire

### **Consequential matters**

In the interests of maintaining coterminous boundaries of principal authority electoral areas and the boundaries of parishes recommendations may be made to the Local Government Boundary Commission for England to make related changes to district and/or county electoral area boundaries.

Setting up new parish councils or grouping/de-grouping councils may require additional consequential provisions including:

- the transfer and management or custody of property
- the setting of precepts
- provisions with respect to the transfer of any functions, property, rights and liabilities
- provisions for the transfer of staff

In these matters the Council will be guided by the relevant legislation.

### **Date of Publication**

These terms of reference will be published on 31<sup>st</sup> January 2022.